

1 AN ACT concerning counties.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Counties Code is amended by changing the
5 heading of Division 4-1 and Sections 4-5001 and 5-1103 and by
6 adding Section 4-1002 as follows:

7 (55 ILCS 5/Art. 4, Div. 4-1 heading)

8 ARTICLE 4. FEES AND SALARIES

9 Division 4-1. Classification of Counties; Fees Generally

10 (55 ILCS 5/4-1002 new)

11 Sec. 4-1002. Notwithstanding any other statutory
12 provision, a county board may by ordinance increase any
13 statutorily authorized fees and collect those increased fees
14 from all persons and entities other than officers, agencies,
15 departments, and other instrumentalities of the State if the
16 increase is justified by an acceptable cost study showing
17 that the current fee is not sufficient to cover the cost of
18 providing the service. A statement of the costs of providing
19 each service, program, and activity must be prepared by the
20 county board. All supporting documents are public records and
21 are subject to public examination and audit. All direct and
22 indirect costs, as defined in the United State Office of
23 Management and Budget Circular A-87, may be included in the
24 determination of the costs of each service, program, and
25 activity. Nothing in this Section may be construed to
26 authorize a county board to modify or amend the fees
27 established for the Clerk of the Circuit Court as provided in
28 the Clerks of the Courts Act. After the initial study, the
29 county board may, not more than once every 5 years, adjust
30 all authorized fees for inflation based on rates for

1 inflation provided by the Federal Bureau of Labor Statistics.

2 (55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

3 Sec. 4-5001. Sheriffs; counties of first and second
4 class. The fees of sheriffs in counties of the first and
5 second class, except when increased by county ordinance under
6 this Section, shall be as follows:

7 For serving or attempting to serve summons on each
8 defendant in each county, \$10.

9 For serving or attempting to serve an order or judgment
10 granting injunctive relief in each county, \$10.

11 For serving or attempting to serve each garnishee in each
12 county, \$10.

13 For serving or attempting to serve an order for replevin
14 in each county, \$10.

15 For serving or attempting to serve an order for
16 attachment on each defendant in each county, \$10.

17 For serving or attempting to serve a warrant of arrest,
18 \$8, to be paid upon conviction.

19 For returning a defendant from outside the State of
20 Illinois, upon conviction, the court shall assess, as court
21 costs, the cost of returning a defendant to the jurisdiction.

22 For taking special bail, \$1 in each county.

23 For serving or attempting to serve a subpoena on each
24 witness, in each county, \$10.

25 For advertising property for sale, \$5.

26 For returning each process, in each county, \$5.

27 Mileage for each mile of necessary travel to serve any
28 such process as Stated above, calculating from the place of
29 holding court to the place of residence of the defendant, or
30 witness, 50¢ each way.

31 For summoning each juror, \$3 with 30¢ mileage each way in
32 all counties.

33 For serving or attempting to serve notice of judgments or

1 levying to enforce a judgment, \$3 with 50¢ mileage each way
2 in all counties.

3 For taking possession of and removing property levied on,
4 the officer shall be allowed to tax the actual cost of such
5 possession or removal.

6 For feeding each prisoner, such compensation to cover the
7 actual cost as may be fixed by the county board, but such
8 compensation shall not be considered a part of the fees of
9 the office.

10 For attending before a court with prisoner, on an order
11 for habeas corpus, in each county, \$10 per day.

12 For attending before a court with a prisoner in any
13 criminal proceeding, in each county, \$10 per day.

14 For each mile of necessary travel in taking such prisoner
15 before the court as Stated above, 15¢ a mile each way.

16 For serving or attempting to serve an order or judgment
17 for the possession of real estate in an action of ejectment
18 or in any other action, or for restitution in an action of
19 forcible entry and detainer without aid, \$10 and when aid is
20 necessary, the sheriff shall be allowed to tax in addition
21 the actual costs thereof, and for each mile of necessary
22 travel, 50¢ each way.

23 For executing and acknowledging a deed of sale of real
24 estate, in counties of first class, \$4; second class, \$4.

25 For preparing, executing and acknowledging a deed on
26 redemption from a court sale of real estate in counties of
27 first class, \$5; second class, \$5.

28 For making certificates of sale, and making and filing
29 duplicate, in counties of first class, \$3; in counties of the
30 second class, \$3.

31 For making certificate of redemption, \$3.

32 For certificate of levy and filing, \$3, and the fee for
33 recording shall be advanced by the judgment creditor and
34 charged as costs.

1 For taking all bonds on legal process, civil and
2 criminal, in counties of first class, \$1; in second class,
3 \$1.

4 For executing copies in criminal cases, \$4 and mileage
5 for each mile of necessary travel, 20¢ each way.

6 For executing requisitions from other States, \$5.

7 For committing each prisoner to jail, \$10.

8 For discharging each prisoner from jail, \$10.

9 For conveying each prisoner from the prisoner's own
10 county to the jail of another county, or from another county
11 to the jail of the prisoner's county, per mile, for going,
12 only, 30¢.

13 For conveying persons to the penitentiary, reformatories,
14 Illinois State Training School for Boys, Illinois State
15 Training School for Girls and Reception Centers, the
16 following fees, payable out of the State Treasury. For each
17 person who is conveyed, 35¢ per mile in going only to the
18 penitentiary, reformatory, Illinois State Training School for
19 Boys, Illinois State Training School for Girls and Reception
20 Centers, from the place of conviction.

21 The fees provided for transporting persons to the
22 penitentiary, reformatories, Illinois State Training School
23 for Boys, Illinois State Training School for Girls and
24 Reception Centers shall be paid for each trip so made.
25 Mileage as used in this Section means the shortest practical
26 route, between the place from which the person is to be
27 transported, to the penitentiary, reformatories, Illinois
28 State Training School for Boys, Illinois State Training
29 School for Girls and Reception Centers and all fees per mile
30 shall be computed on such basis.

31 For conveying any person to or from any of the charitable
32 institutions of the State, when properly committed by
33 competent authority, when one person is conveyed, 35¢ per
34 mile; when two persons are conveyed at the same time, 35¢ per

1 mile for the first person and 20¢ per mile for the second
2 person; and 10¢ per mile for each additional person.

3 For conveying a person from the penitentiary to the
4 county jail when required by law, 35¢ per mile.

5 For attending Supreme Court, \$10 per day.

6 In addition to the above fees there shall be allowed to
7 the sheriff a fee of \$600 for the sale of real estate which
8 is made by virtue of any judgment of a court, except that in
9 the case of a sale of unimproved real estate which sells for
10 \$10,000 or less, the fee shall be \$150. In addition to this
11 fee and all other fees provided by this Section, there shall
12 be allowed to the sheriff a fee in accordance with the
13 following schedule for the sale of personal estate which is
14 made by virtue of any judgment of a court:

15 For judgments up to \$1,000, \$75;

16 For judgments from \$1,001 to \$15,000, \$150;

17 For judgments over \$15,000, \$300.

18 The foregoing fees allowed by this Section are the
19 maximum fees that may be collected from any officer, agency,
20 department or other instrumentality of the State. The county
21 board may, however, by ordinance, increase the fees allowed
22 by this Section and collect those increased fees from all
23 persons and entities other than officers, agencies,
24 departments and other instrumentalities of the State if the
25 increase is justified by an acceptable cost study showing
26 that the fees allowed by this Section are not sufficient to
27 cover the costs of providing the service. A statement of the
28 costs of providing each service, program and activity shall
29 be prepared by the county board. All supporting documents
30 shall be public records and subject to public examination and
31 audit. All direct and indirect costs, as defined in the
32 United States Office of Management and Budget Circular A-87,
33 may be included in the determination of the costs of each
34 service, program and activity.

1 In all cases where the judgment is settled by the
2 parties, replevied, stopped by injunction or paid, or where
3 the property levied upon is not actually sold, the sheriff
4 shall be allowed his fee for levying and mileage, together
5 with half the fee for all money collected by him which he
6 would be entitled to if the same was made by sale to enforce
7 the judgment. In no case shall the fee exceed the amount of
8 money arising from the sale.

9 The fee requirements of this Section do not apply to
10 police departments or other law enforcement agencies. For
11 the purposes of this Section, "law enforcement agency" means
12 an agency of the State or unit of local government which is
13 vested by law or ordinance with the duty to maintain public
14 order end to enforce criminal laws.

15 (Source: P.A. 91-94, eff. 1-1-00.)

16 (55 ILCS 5/5-1103) (from Ch. 34, par. 5-1103)

17 Sec. 5-1103. Court services fee. A county board may
18 enact by ordinance or resolution a court services fee
19 dedicated to defraying court security expenses incurred by
20 the sheriff in providing court services or for any other
21 court services deemed necessary by the sheriff to provide for
22 court security, including without limitation court services
23 provided pursuant to Section 3-6023, as now or hereafter
24 amended. Such fee shall be paid in civil cases by each party
25 at the time of filing the first pleading, paper or other
26 appearance; provided that no additional fee shall be required
27 if more than one party is represented in a single pleading,
28 paper or other appearance. In criminal, local ordinance,
29 county ordinance, traffic and conservation cases, such fee
30 shall be assessed against the defendant upon a plea of
31 guilty, stipulation of facts or findings of guilty, resulting
32 in a judgment of conviction, or order of supervision, or
33 sentence of probation without entry of judgment pursuant to

1 Section 10 of the Cannabis Control Act, Section 410 of the
2 Illinois Controlled Substances Act, Section 12-4.3 of the
3 Criminal Code of 1961, Section 10-102 of the Illinois
4 Alcoholism and Other Drug Dependency Act, Section 40-10 of
5 the Alcoholism and Other Drug Abuse and Dependency Act, or
6 Section 10 of the Steroid Control Act. In setting such fee,
7 the county board may impose, with the concurrence of the
8 Chief Judge of the judicial circuit in which the county is
9 located by administrative order entered by the Chief Judge, a
10 rate of \$25 differential--rates--for--the--various--types--or
11 categories--of-criminal-and-civil-cases, but the maximum rate
12 shall not exceed \$15. No fee shall be imposed or collected,
13 however, in traffic, conservation, and ordinance cases in
14 which fines are paid without a court appearance. The fees
15 shall be collected in the manner in which all other court
16 fees or costs are collected and shall be deposited into the
17 county general fund for payment solely of costs incurred by
18 the sheriff in providing court security or for any other
19 court services deemed necessary by the sheriff to provide for
20 court security.

21 (Source: P.A. 87-1141; 88-670, eff. 12-2-94.)

22 Section 99. Effective date. This Act takes effect on
23 December 1, 2002.